

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: §  
Ehud Nagler § Confirmation no. 7716  
Serial No.: 10/549,677 §  
Filed: September 19, 2005 § Group Art Unit: 3748  
For: Rotary Fluid-Driven Motor with § Attorney  
Sealing Elements § Docket: 733/54  
Examiner: Theresa Trieu §

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

RESPONSE

Sir:

This is in response to the United States Patent and Trademark Office Action mailed April 8, 2008, which response is being made on or before June 8, 2008, and for which \$60 extension fees are due.

Elections/Restrictions

The Examiner has required restriction of the claims between TWO inventions, identified as:

- I a vane motor (claims 3-20); and
- II a gear motor (claims 2, 7-18 and 20)

and independently an election of species between FIVE species, identified as:

- A Figures 3D-4C;
- B Figures 5C-5D;
- C Figures 7-10;
- D Figure 11; and
- E Figure 12.

The Applicant hereby traverses the restriction and election requirements on the basis that the above subdivision of the subject matter is unclear, and seems to reflect an incomplete understanding of the claimed invention.

Firstly, the Applicant notes that the election of species as set forth is not independent of the election of invention. Clearly, the implementations of Figures 3A-5E relate to vane motors while the implementation of Figures 6A-6D relates to a gear motor.

Secondly, the seal configurations of Figures 7-11 are alternative seal configurations for use with ANY of the motor configurations of Figures 3A-6D (see for example page 7, lines 6-9), and are therefore not an alternative to one of the other species but rather sub-elements of those species. If election is required between Figures 7-10 and Figure 11, this should be a separate sub-species election.

Finally, Figure 12 shows a further optional feature for implementation with the configuration of Figures 3A-3D, and should not be considered a separate species.

For completeness of this response, and in order to try to advance the prosecution efficiently, the Applicant hereby makes a good-faith effort to elect an invention and species as best understood, as follows:

- Invention I      Vane motor
- Species A      Suggested to be redefined as the embodiment of Figures 4A-4D
- Sub-species C      Seals implemented according to Figures 7-10

In order to ensure responsiveness of this response in the unlikely event that the Examiner insists on trying to maintain the original subdivision of the subject matter, the Applicant then elects "Invention I" and "Species A" as defined above.

Identification of Claims

Claims which are believed to be either generic or to read on the elected species include the following: claims 1, 3, 4, 7-9, 11, 16-19, 21 and 22. The Applicant requests that any claim withdrawn from consideration be rejoined in the event that a generic claim is found to be allowable. The Applicant reserves the right to file one or more divisional application relating to any subject matter which is not currently being examined.

The Applicant looks forward to receiving the results of the Examiner's substantive examination.

Respectfully submitted,

  
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Date: June 3, 2008